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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/519,526	03/06/2000	Yu Minakuchi	1924.63673	8003

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EXAMINER

JOHNSON, MARLON B

ART UNIT

PAPER NUMBER

2153

DATE MAILED: 12/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/519,526	MINAKUCHI ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Marlon Johnson	2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09 March 2000.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 09 March 2000 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> .	6) <input type="checkbox"/> Other: _____

## Detailed Action

### *Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

- Fig. 4B: J2

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections – 35 U.S.C. 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 and 3-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In considering claim 1,

On page 79, line 7, the terms "...the second time information" and "...the storage-type information" have no clear antecedent basis, as there has been no previous mention of second time information or storage-type information within the independent claim.

In considering claim 4,

On page 80, line 18, the term "...the storage-type information" has no clear antecedent basis, as there has been no previous mention of storage-type information within the independent claim.

In considering claim 3,

It is unclear as to where the storage-type information is being downloaded from. For the purpose of examination, it is to be assumed that the storage-type information is being downloaded from the storage-type information distribution apparatus.

In considering claim 5,

It is unclear as to where the storage-type information is being downloaded from, as it could be downloaded either from the stream information distribution apparatus or the storage-type information distribution apparatus.

In considering claims 3, 5, and 6,

The phrase "...in advance" renders the claim indefinite because it is unclear as to what event(s) the claims are performing (downloading) in advance to.

***Claim Rejections – 35 U.S.C. 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in–
  - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

6. Claims 1-5 and 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Glaser et al. (6,151,634).

In considering claim 1,

Glaser et al. discloses an information distribution control system comprising:

a first time information addition control unit which adds a first time information (timestamp) to a stream information (audio data) distributed from a stream information distribution apparatus (audio control center) to a receiver (receiver, audio buffers) and capable of being reproduced in real time (see Fig. 10; col. 23, lines 28-31; col. 27, lines 55-58);

a second time information addition control unit which adds the second time information (timestamp) to the storage-type information (metadata) distributed to said receiver (receiver, metadata buffers) (see Fig. 10; col. 23, lines 65-67 and col. 24, lines 1-4) [note: time information addition control unit(s) are inherently needed in order to add time information (timestamps) to the stream information (audio data) and the storage-type information (metadata)]; and

a synchronous reproduction control unit (switch controller) which controls said receiver in such a manner as to reproduce the stream information and the storage-type information in temporal synchronism with each other based on the first time information and the second time information (see Fig. 10, High Speed Switches 1030 & 1050, Switch Controllers 1020 & 1060; col.24, lines 8-26).

In considering claim 2,

Glaser et al. discloses an information distribution control system, wherein the storage-type information is held in said stream information distribution apparatus (see Fig. 10, Audio Control Center 120), wherein the second time information addition control unit causes said stream information distribution apparatus to add the second time information to the storage-type information (see Fig. 10, Audio Control Center 120; col. 23, lines 65-67 and col. 24, lines 1-4), and wherein said stream information distribution apparatus distributes the stream information with the first time information added thereto and the storage-type information with the second time information added thereto to said receiver through a network (see Fig. 10; col. 23, lines 26-28; col. 23, lines 65-67 and col. 24, lines 1-4).

In considering claim 3,

Glaser et al. discloses an information distribution control system further comprising:  
a download unit which downloads the storage-type information to said stream information distribution apparatus in advance (see col. 23, lines 52-65) [note: in order to for storage-type information (metadata) to be placed in the stream information distribution apparatus (audio control center) in advance, it must inherently be downloaded from some type of downloading unit].

In considering claim 4,

Glaser et al. discloses an information distribution control system comprising:  
a time information addition control unit which adds a time information to a stream information distributed from a stream information distribution apparatus to a receiver and

capable of being reproduced in real time (see Fig. 10; col. 23, lines 28-31; col. 27, lines 55-58); and

a synchronous reproduction control unit which controls said receiver in such a manner as to reproduce the stream information and the storage-type information held in said receiver, in temporal synchronism with each other based on the time information (see Fig. 10, High Speed Switches 1030 & 1050, Switch Controllers 1020 & 1060; col.24, lines 8-26).

In considering claim 5,

Glaser et al. discloses an information distribution control system further comprising:  
a download unit which downloads the storage-type information to said receiver in advance (see Fig. 10, communication line 130).

In considering claim 7,

Glaser et al. discloses an information distribution control method comprising the steps of:  
adding a first time information to a stream information distributed from a stream information distribution apparatus to a receiver and capable of being reproduced in real time (see Fig. 10; col. 23, lines 28-31; col. 27, lines 55-58);  
adding a second time information to a storage-type information distributed to said receiver (see Fig. 10; col. 23, lines 65-67 and col. 24, lines 1-4); and  
controlling said receiver in such a manner as to reproduce the stream information and the storage-type information in temporal synchronism with each other based on the first time information and the second time information (see Fig. 10, High Speed Switches 1030 & 1050, Switch Controllers 1020 & 1060; col.24, lines 8-26).

In considering claim 8,

Glaser et al. discloses a computer readable recording medium which records an information distribution control program for making a computer execute a process comprising the steps of:

adding a first time information to a stream information distributed from a stream information distribution apparatus to a receiver and capable of being reproduced in real time (see Fig. 10; col. 23, lines 28-31; col. 27, lines 55-58);

adding a second time information to a storage-type information distributed to said receiver (see Fig. 10; col. 23, lines 65-67 and col. 24, lines 1-4); and

controlling said receiver in such a manner as to reproduce the stream information and the storage-type information in temporal synchronism with each other based on the first time information and the second time information (see Fig. 10, High Speed Switches 1030 & 1050, Switch Controllers 1020 & 1060; col.24, lines 8-26).

In considering claim 9,

Glaser et al. discloses an information reproduction apparatus comprising:

a first receiver which receives a stream information with a first time information added thereto and capable of being reproduced in real time (see Fig. 10, Receiver 300, Audio Buffers 315);

a second receiver which receives a storage-type information with a second time information added thereto (see Fig. 10, Receiver 300, Metadata Buffers 1070); and

a synchronous reproduction unit which reproduces the stream information and the storage-type information in temporal synchronism with each other based on the first time

information and the second time information (see Fig. 10, High Speed Switches 1030 & 1050, Switch Controllers 1020 & 1060).

In considering claim 10,

Glaser et al. discloses a computer readable recording medium which records an information reproduction control program for making a computer execute a process comprising the steps of:

receiving a stream information with a first time information added thereto and capable of being reproduced in real time (see Fig. 10; col. 23, lines 28-31; col. 27, lines 55-58);

receiving a storage-type information with a second time information added thereto (see Fig. 10; col. 23, lines 65-67 and col. 24, lines 1-4); and

reproducing the stream information and the storage-type information in temporal synchronism with each other based on the first time information and the second time information (see Fig. 10, High Speed Switches 1030 & 1050, Switch Controllers 1020 & 1060; col. 24, lines 8-26).

### ***Claim Rejections – 35 U.S.C. 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glaser et al.

In considering claim 6,

Although Glaser et al. shows substantial features of the claimed invention, he fails to specifically disclose downloading a storage-type information held in a stream information distribution apparatus to a storage-type information distribution apparatus in advance. Nonetheless, this is a conventional system for downloading information from one apparatus to another apparatus, and would have been an obvious modification to Glaser et al. by a person having ordinary skills in the art. It would have been obvious for a person having ordinary skills in the art to modify Glaser et al. by including a storage-type information distribution apparatus, and downloading a storage-type information held in a stream information distribution apparatus to a storage-type information distribution apparatus in order to perform any manual data modifications to make sure the storage-type information is in the correct format and working properly.

Additionally,

Glaser et al. discloses an information distribution control system comprising:  
a first time information addition control unit which adds a first time information to a stream information distributed from said stream information distribution apparatus to a receiver and capable of being reproduced in real time (see Fig. 10; col. 23, lines 28-31; col. 27, lines 55-58);  
a second time information addition control unit which adds a second time information to the storage-type information distributed from said storage-type information distribution apparatus (audio control center) to said receiver (see Fig. 10; col. 23, lines 65-67 and col. 24, lines 1-4); and

a synchronous reproduction control unit which controls said receiver in such a manner as to reproduce the stream information and the storage-type information in temporal synchronism with each other based on the first time information and the second time information (see Fig. 10, High Speed Switches 1030 & 1050, Switch Controllers 1020 & 1060; col.24, lines 8-26).

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (Rangan et al. 6154771, Geagan III et al. 6263371, Blakeslee 6061731, Jones et al. 6453355, Klemets et al. 6449653, Chapman 6466592, Goetz et al. 5928330, Firestone 6247072, Zhu et al. 6085252).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marlon Johnson whose telephone number is (703) 305-4642. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess, can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3230.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

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